

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	
)	Violations: Title 18, United States Code,
JAMES DISANTIS,)	Sections 241, 242, and 2
WILLIAM PESLAK, and)	
JOSEPH DEKIEL)	

COUNT ONE

The SPECIAL FEBRUARY 2005-02 GRAND JURY charges:

1. At times material to this Count:
 - (a) The Cicero Police Department (the “CPD”) was the principal law enforcement agency for the Town of Cicero in Cicero, Illinois. The Town of Cicero is located within the Eastern Division of the Northern District of Illinois.
 - (b) Defendant JAMES DISANTIS was employed as a sworn law enforcement officer with the CPD. DISANTIS was responsible for supervising the detectives within the CPD.
 - (c) Defendant WILLIAM PESLAK was employed as a sworn law enforcement officer within the CPD’s gang tactical unit.
 - (d) Defendant JOSEPH DEKIEL was employed as a sworn law enforcement officer within the CPD’s gang tactical unit.
 - (e) Victim W was a resident of Cicero.

2. On or about August 10, 2003, in Cicero, Illinois, in the Northern District of Illinois, Eastern Division,

JAMES DISANTIS,
WILLIAM PESLAK, and
JOSEPH DEKIEL,

defendants herein, while acting under color of law, did knowingly and willfully conspire with each other and others known and unknown to the grand jury to injure, oppress, threaten and intimidate Victim W in the free exercise and enjoyment of rights secured to him by the Constitution and laws of the United States, that is, the right secured and protected by the Constitution of the United States not to be deprived of liberty without due process of law, by beating him and striking him, without justification, and the right to due process of law, by planting contraband on him, in violation of Title 18, United States Code, Section 241.

Manner and Means of the Conspiracy

3. It was part of the conspiracy that on or about August 10, 2003, defendants WILLIAM PESLAK and JOSEPH DEKIEL pulled over a car being driven by Victim W.

4. It was further part of the conspiracy that after gaining control of Victim W, defendant JOSEPH DEKIEL grabbed Victim W's head and struck Victim W's head against a car, causing bodily injury, including a broken nose, a laceration, and a bloodied mouth.

5. It was further part of the conspiracy that defendant JAMES DISANTIS, who was a supervisor on duty that day, subsequently arrived on the scene and ordered Victim W and others to be arrested and brought to the police department.

6. It was further part of the conspiracy that once back at the police department, defendants, and others known and unknown, placed Victim W into an interview room.

7. It was further part of the conspiracy that defendants JAMES DISANTIS and JOSEPH DEKIEL struck Victim W without justification in the interview room, and caused bodily injury to Victim W.

8. It was further part of the conspiracy that defendant JAMES DISANTIS hit Victim W in the head with a handgun without justification, and caused bodily injury to Victim W.

9. It was further part of the conspiracy that defendant WILLIAM PESLAK planted cocaine on Victim W, knowing that the cocaine was not Victim W's and had not been in Victim W's possession. Victim W was subsequently falsely charged with a felony offense, namely possession of a controlled substance.

10. It was further part of the conspiracy that defendants JAMES DISANTIS, WILLIAM PESLAK, and JOSEPH DEKIEL ordered Victim W to use the shirt Victim W was wearing to clean up his own blood that had run onto the floor as a result of the injuries inflicted by defendants.

11. It was further part of the conspiracy that defendants misrepresented, concealed, hid, and caused to be misrepresented, concealed and hidden, the purposes and acts done in furtherance of the conspiracy.

All in violation of Title 18, United States Code, Section 241.

COUNT TWO

The SPECIAL FEBRUARY 2005-02 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are hereby realleged and incorporated as if fully set forth herein.
2. On or about August 10, 2003, in Cicero, Illinois, in the Northern District of Illinois, Eastern Division,

JAMES DISANTIS,
WILLIAM PESLAK, and
JOSEPH DEKIEL,

defendants herein, while acting under color of law, did willfully interfere with Victim W in the free exercise and enjoyment of rights secured to him by the Constitution and laws of the United States, that is, the right not to be deprived of liberty without due process of law, by striking him without justification, causing bodily injury.

In violation of Title 18, United States Code, Sections 242 and 2.

COUNT THREE

The SPECIAL FEBRUARY 2005-02 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are hereby realleged and incorporated as if fully set forth herein.
2. On or about August 10, 2003, in Cicero, Illinois, in the Northern District of Illinois, Eastern Division,

WILLIAM PESLAK,

defendant herein, while acting under color of law, did willfully interfere with Victim W in the free exercise and enjoyment of rights secured to him by the Constitution and laws of the United States, that is, the right to due process of law, by planting evidence of contraband on Victim W.

In violation of Title 18, United States Code, Section 242.

COUNT FOUR

The SPECIAL FEBRUARY 2005-02 GRAND JURY further charges:

1. The allegations in paragraphs 1(a) and (c) of Count One of this indictment are hereby realleged and incorporated as if fully set forth herein.

2. At times material to this count, Victim D was a resident of Melrose Park, Illinois, in the Northern District of Illinois, and was driving through Cicero, Illinois, after attending a baseball game.

3. On or about August 9, 2003, in Cicero, Illinois, in the Northern District of Illinois, Eastern Division,

WILLIAM PESLAK,

defendant herein, while acting under color of law, did willfully interfere with Victim D in the free exercise and enjoyment of rights secured to him by the Constitution and laws of the United States, that is, the right to be free from unreasonable seizures by one acting under color of law, by striking Victim D's head against a car, without justification, causing bodily injury.

In violation of Title 18, United States Code, Section 242.

COUNT FIVE

The SPECIAL FEBRUARY 2005-02 GRAND JURY further charges:

1. The allegations in paragraph 1(a), (c), and (d) of Count One and paragraph 2 of Count Four of this indictment are hereby realleged and incorporated as if fully set forth herein.

2. From on or about August 9, 2003, to on or about February, 18, 2004, in Cicero and Maywood, Illinois, in the Northern District of Illinois, the defendants,

WILLIAM PESLAK and
JOSEPH DEKIEL,

defendants herein, while acting under color of law, did knowingly and willfully conspire with each other and others known and unknown to the grand jury to injure, oppress, threaten and intimidate Victim D in the free exercise and enjoyment of rights secured to him by the Constitution and laws of the United States, that is, the right to due process of law, by agreeing to intentionally testify falsely that defendant JOSEPH DEKIEL witnessed the traffic stop and arrest of Victim D on August 9, 2003, when, in fact, defendant JOSEPH DEKIEL was not present on the scene and had not witnessed that incident, in violation of Title 18, United States Code, Section 241.

Manner and Means of the Conspiracy

3. It was part of the conspiracy that defendant WILLIAM PESLAK intentionally falsified police reports, namely, PESLAK falsely stated in police reports that defendant JOSEPH DEKIEL was present for the stop and arrest of Victim D on August 9, 2003.

4. It was further part of the conspiracy that defendant WILLIAM PESLAK intentionally filled out a Use of Force Report with false information, namely, that defendant WILLIAM PESLAK had not used force against Victim D and that defendant JOSEPH DEKIEL was a witness to the incident.

5. It was further part of the conspiracy that defendants WILLIAM PESLAK and JOSEPH DEKIEL agreed to and did falsely testify at Victim D's criminal trial on February 18, 2004, that JOSEPH DEKIEL was present for the stop and arrest of Victim D.

6. It was further part of the conspiracy that defendant WILLIAM PESLAK falsely testified at Victim D's criminal trial that JOSEPH DEKIEL had been PESLAK's partner in his car on August 9, 2003.

7. It was further part of the conspiracy that defendant JOSEPH DEKIEL falsely testified at Victim D's criminal trial that he saw Victim D open his car door and strike Officer A with the door on August 9, 2003.

8. It was further part of the conspiracy that defendant JOSEPH DEKIEL falsely testified at Victim D's criminal trial that he saw Victim D step out of his vehicle and push Officer A in the chest with both hands on August 9, 2003.

9. It was further part of the conspiracy that defendant JOSEPH DEKIEL falsely identified Victim D at Victim D's criminal trial as the subject whom he saw arrested on August 9, 2003.

10. It was further part of the conspiracy that defendants WILLIAM PESLAK and JOSEPH DEKIEL misrepresented, concealed, hid, and caused to be misrepresented, concealed and hidden, the purposes and acts done in furtherance of the conspiracy.

All in violation of Title 18, United States Code, Section 241.

COUNT SIX

The SPECIAL FEBRUARY 2005-02 GRAND JURY further charges:

1. The allegations in paragraph 1(a) and (b) of Count One of this indictment are hereby realleged and incorporated as if fully set forth herein.

2. At times material to this count:

(a) Victim P was a homeless person, generally residing in Berwyn and Cicero, Illinois, in the Northern District of Illinois.

(b) Defendant JAMES DISANTIS pulled over Victim P's car on September 3, 2003.

3. On or about September 3, 2003, in Chicago, within the Northern District of Illinois, Eastern Division,

JAMES DISANTIS,

defendant herein, while acting under color of law, did willfully interfere with Victim P in the free exercise and enjoyment of rights secured to her by the Constitution and laws of the United States, that is, the right to be free from unreasonable seizures by one acting under color of law, by striking her in the head, without justification, causing bodily injury.

In violation of Title 18, United States Code, Section 242.

COUNT SEVEN

The SPECIAL FEBRUARY 2005-02 GRAND JURY further charges:

1. The allegations in paragraphs 1 and 2(b) of Count Six of this indictment are hereby realleged and incorporated as if fully set forth herein.

2. At times material to this indictment:

(a) Victim M was a resident of Cicero.

(b) Victim M observed and attempted to videotape defendant JAMES DISANTIS strike Victim P.

3. On or about September 3, 2003, in Chicago, within the Northern District of Illinois, Eastern Division,

JAMES DISANTIS,

defendant herein, while acting under color of law, did willfully interfere with Victim M in the free exercise and enjoyment of rights secured to him by the Constitution and laws of the United States, that is, the right to be free from unreasonable seizures by one acting under color of law, by striking Victim M in the head and squeezing his genitals, causing bodily injury.

In violation of Title 18, United States Code, Section 242.

COUNT EIGHT

The SPECIAL FEBRUARY 2005-02 GRAND JURY further charges:

1. The allegations in paragraph 1(a) and (b) of Count One of this indictment are hereby realleged and incorporated as if fully set forth herein.
2. At times material to this count, Victim C was a resident of Cicero, and employed as a lifeguard at one of Cicero's public swimming pools.
3. On or about June 27, 2002, Victim C refused to allow defendant JAMES DISANTIS' wife and child to have access to a Cicero public swimming pool without paying the required fee to obtain a pool pass.
4. On or about June 27, 2002, defendant JAMES DISANTIS demanded that his wife and child be allowed to access the Cicero public swimming pool where Victim C worked without the paying the required fee to obtain a pool pass, based on defendant DISANTIS' status as a Cicero police officer.
5. After Victim C refused to allow defendant JAMES DISANTIS's wife and child access to the pool without the required fee, defendant DISANTIS knocked Victim C to the ground, hit Victim C in the head with his police badge, and threw Victim C into the pool on or about June 27, 2002.

6. On or about June 27, 2002, in Cicero, Illinois, within the Northern District of Illinois, Eastern Division,

JAMES DISANTIS,

defendant herein, while acting under color of law, did willfully interfere with Victim C in the free exercise and enjoyment of rights secured to him by the Constitution and laws of the United States, that is, the right to be free from unreasonable seizures by one acting under color of law, by striking him, causing bodily injury.

In violation of Title 18, United States Code, Section 242.

A TRUE BILL:

FOREPERSON

PATRICK J. FITZGERALD
United States Attorney